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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,985	04/12/2005	Scott Howard Dickerson	PU4783USW	2557

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GLAXOSMITHKLINE
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EXAMINER

MURRAY, JEFFREY H

ART UNIT	PAPER NUMBER
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1624

NOTIFICATION DATE	DELIVERY MODE
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10/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/530,985	Applicant(s) DICKERSON ET AL.	
	Examiner JEFFREY H. MURRAY	Art Unit 1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,16,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to a response to a non-final action filed on June 25, 2008. There are eight claims pending and eight claims under consideration. Claims 2, 3, 8-15 and 17-25 have been cancelled. This is the second action on the merits. This invention relates generally to inhibitors of the kinases, such as GSK3, and more particularly to pyrazolopyridazine compounds.

Withdrawn Rejections/Objections

2. Applicant is notified that any outstanding rejection/objection that is not expressly maintained in this office action has been withdrawn or rendered moot in view of applicant's amendments and/or remarks.

Claim Rejections - 35 USC § 112, 2nd paragraph

3. Claims 1, 4-7 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The scope of the terms "heteroaryl," "heteroarylene," "heterocyclic" and "heterocyclyl," require clarification since applicants' examples in the specification are not limited to any particular ring system or systems. See definitions on p.15-17 of the specification. Where applicants define terms with a special meaning, they must set out the special definition with "reasonable clarity, deliberateness and precision". Note *Teleflex v. Ficos*, 63 USPQ2d 1374; *Rexnord Corp v. Laitram Corp.* 60 USPQ2d 1851 and MPEP 2111.01.

Applicants have not defined these terms with reasonable clarity. The terms are defined with non-limiting examples making them impossible to pin down. For example, when one states C₁-C₄ alkyl, there are a small finite number of possibilities that exist in that set. One ordinarily skilled in the art realizes and understands this. However when one states, "heteroaryl" and then provides a large number of examples and states the list is only "examples," (page 16 of the specification) how can this be considered definite? One skilled in the art could instantly envision well over one hundred ring systems that qualify under this broad, vague definition. Does the applicant wish to claim a thiophene or a pyrazolopyrimidine? Applicant must narrow such broad terminology by either eliminating such a broad definition or by inserting the specific ring systems they wish to cover into the claim themselves. These arguments also apply to definitions within the specification which contain these terms, such as "heteroarylene," "heterocyclic" and "heterocyclyl."

5. In the absence of the specific moieties intended to effect modification by "substitution" or attachment to the chemical core claimed, the term "substituted" renders the claim in which it appears indefinite in all occurrences wherein applicant fails to articulate by chemical name, structural formula or sufficiently distinct functional language, the particular moieties applicant regards as those which will facilitate substitution, requisite to identifying the composition of matter claimed. No new matter permitted. Appropriate correction is required.

Allowable Subject Matter

6. Claim 26 and 27 are allowable. Claim 26 and 2 are free of the prior art. The closest related prior art is seen to be Harris, et. al., WO 2003051886. The Harris publication teaches pyrazolopyridazines with a 5-pyrimidinyl group, but does not contain an R¹ group which corresponds to a phenyl ring in the structure of the compounds of the instant application.

Conclusion

7. Claims 1, 4-7 and 16 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey H. Murray whose telephone number is (571) 272-9023. The examiner can normally be reached on Mon.-Thurs. 7:30-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey H Murray/

Patent Examiner, Art Unit 1624

/James O. Wilson/

Supervisory Patent Examiner, Art Unit 1624